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RECENT CASES.

CHECK—PAYMENT AFTER DEATH OF DONOR—LIABILITY OF BANK.—PULLEN ET AL. V. PLACER COUNTY BANK, 71 PAC 83 (CAL.).—*Held*, that a bank paying a check with notice of the drawer's death is liable to his estate. *McFarland and Henshaw, JJ., dissenting.*

It has been held that a check given for a good consideration is not revoked by the death of the drawer before its presentment. *Lewis v. International Bank*, 13 Mo. App. 202. And, on the other hand, that a check is revoked by the drawer's death before acceptance. *Nat. Comm. Bank v. Miller*, 77 Ala. 168. The drawer's death has been held to revoke a bank's authority to pay a check delivered to the payee as a gift when the administrator had undertaken to revoke the check and the bank had therefore refused to pay it. *Simmons v. Society*, 31 Ohio St. 457. The text-book writers with a few exceptions say that the death of the drawer revokes. *Morse, Banks & Banking*, 4th ed., sec. 400; *Byles, Bills* (5th Am. ed.), 101; *Chitty, Bills* (13th Am. ed.), 484. But see *Daniel, Neg. Instr.*, 5th ed., sec. 1618b, and discussion maintaining the opposite view in 3 Va. L. J. 323. It is generally agreed that if the bank has no notice of the drawer's death it will not be liable.

CONSTITUTIONAL LAW—"EQUAL PROTECTION OF THE LAW"—PEDDLER'S LICENSE.—STATE V. MITCHELL, 53 ATL. 887.—The Maine statute (Laws 1901, c. 227), makes a distinction between peddlers who own and pay taxes on a stock in trade to the amount of \$25, and those who pay a less tax on such stock in trade, exempting the former from paying license fees, while requiring the latter to pay them. *Held*, that such discrimination is in violation of the Fourteenth Amendment, which grants to all the equal protection of the law.

The opinion in this case gives a concise and comprehensive summary as to what constitutes the "equal protection of the law," guaranteed by the Fourteenth Amendment. There can be no discrimination between persons similarly situated. *Barbier v. Connolly*, 113 U. S. 27; *Strauder v. West Va.*, 100 U. S. 303. But there may be between localities, kinds of business, etc. *Leavitt v. R. R. Co.*, 90 Me. 153; *Mo. Pac. R. R. v. Mackey*, 127 U. S. 205. Yet even such discrimination must be reasonable, and based upon real differences in situation or conditions. *Connolly v. Pipe Co.*, 184 U. S. 540; *Yick Wo v. Hopkins*, 118 U. S. 356; *R. R. Co. v. Ellis*, 165 U. S. 150. The great weight of authority supports the present case in holding that a discrimination on account of the amount of business done is a mere arbitrary discrimination, not based on any inherent difference in kind. *Cotting v. Stock Yards*, 183 U. S. 79; *State v. Haun*, 61 Kan. 146; *State v. Gardner*, 58 Ohio 599.

CONTRIBUTORY NEGLIGENCE OF PLAINTIFF—ACTION BY ADMINISTRATOR—DEATH.—O'SHEA V. RY. CO., 79 N. Y. SUPP. 890.—*Held*, that there can be no recovery by a father, the sole beneficiary of a deceased son, nine years of age,